

1.11.16 Conservation Commission Minuters

Minutes of the Taunton Conservation Commission January 11, 2016

Present Chair Steven Turner, Vice Chair Neil Kelly, Commissioners Marla Isaac, Debra Botellio, Ernest Enos, Renwick Chapman, and Luis Freitas.

Motion to table the December minutes to the February meeting, DB, second MI, so voted.

Motion to go out of order to hear update on dam project, MI, second DB, so voted.

Beth gave the TCC a report on what has been taking place out at the site and what they should expect, moving forward. The West Britannia Street dam project plans are complete. They were ready to start the bidding process when Reed & Barton filed bankruptcy. Things were put on hold. Property has since been sold and the new owners are still interested in continuing the removal. Acuity Management Inc. is the new owner. They hope is for the NOI by May, construction to begin in August, and removal by Sept/Oct. A neighborhood meeting will be held closer to this time. ST please notify MR of meeting and notify TCC, it is very important that the neighbors know what is going on.

Motion to revert back to the regular order of business, DB, second MI, so voted.

Public Hearing

- **17 Fisher Street, COT-Golf Commission, (NOI), SE73-2626** Field report states that this NOI was re-opened to address floodplain and wildlife habitat that was not sufficiently addressed and are concerns of NHESP and DEP. A Rare Species Habitat Assessment Report, was prepared on 4/4/11, and was submitted in fulfillment of the wildlife habitat request. On 12/22/15 we received the NHESP letter that stated the project will not adversely affect the actual resource area habitat of state-protected rare wildlife species. Because the proposed expansion will alter up to 37 acres located within highly suitable nesting, feeding, breeding, overwintering, and migratory habitat for the Wood Turtle, Eastern Box Turtle, and Blanding's Turtle, NHESP determined that the project will result in prohibited "take". In accordance with 321 CMR 10.18(2)(b), such a project may only be permitted if the project and proposed mitigation meet the standards for issuance of a Conservation and Management Permit. As such, the CMP must (1) avoid and minimize impacts to state listed species to the greatest extent practical, (2) demonstrate that an insignificant portion of the local population will be impacted or that no viable alternative exists, and (3) develop implement a conservation and management plan that provides a long-term net benefit to the conservation of the local population of the impacted species. Based on consultations and materials submitted, it is anticipated that the project can qualify for the issuance of a CMP. The applicant submitted a revised plan showing a proposed water hazard, 150'Lx40'Wx7'D as a compensatory storage for the 175 cubic yards of alteration within the floodplain. According to the applicant this water hazards equals 1,556 cubic yards of compensatory storage. It is difficult to determine the "true" amount of compensatory storage because there are no proposed elevations on the pond. If the top elevation is at or below contour 43, then only a 10" depth is required to fulfill the compensatory storage requirement. In order to count as compensatory storage, only the elevation between groundwater and contour 43 counts in that calculation. From my review, it would seem that groundwater is at contour 40, so if the hazard's top elevation was 43, then there are three feet of compensatory storage available, not seven feet. This would still meet the compensatory storage requirement. Vertical sides on the proposed water hazard do not make a lot of sense-sloped would be better. An option to this water hazard would be to create a swale with sloped rather than vertical sides, with a maximum depth of 10", variable along the length and width and large enough to compensate for the floodplain area loss, and to place this as close to the floodplain as is feasible. There is a general concern by DEP and NHESP about the amount of alteration proposed within the floodplain. It is recommended that a revised compensatory storage design be submitted to more readily and naturally meet the criteria of compensatory storage. MR recommends

continuing this hearing to the February 22, 2016 meeting, or to an earlier date if the commission so votes. Motion to open, DB, second MI, so voted. They have met with all regulatory boards-MEPA, Fish & Game, etc and all aware of the project and what is proposed. The pond will give more than enough compensatory storage. MR said the concern is that it is not a full compensatory storage from DEP and NHESP. They are still looking at it closely. Compensatory storage and wildlife were 2 issues that came back after last meeting's approval. Gill says that since 2007 they have been working with all agencies regarding anything to do with the golf course. They have shown them every plan and gone over everything with them when necessary. Gill said he has always worked with all agencies and submitted plans, done what is asked. He says the water hazards does support enough compensatory storage by the numbers, in fact more than enough. DEP and NHESP wont react until the board makes a decision. RC asked if the city engineer has reviewed the plan? Both MR and Mark had a question regarding the water hazard/pond such as swale, level of side angles, etc. LF, Golf Commission has been dealing with this since 2007, now this was missed and now it comes up as an issue? Now there's a letter? MR said the other agencies could not send a letter until TCC voted on it. Gill said by end of March he has to be ready to deal with the Water Bureau or it all goes back to square one. RC disagrees, it may mean put off a year but not square one. RC is willing to move forward if letter from city engineer states that this compensatory storage (revised plan & calcs) works and has his approval. Motion to approve pending a letter from the city engineer stating he approves the revised plan and has reviewed the compensatory storage and calculations for it, NK, second LF, asked for a show of hands, For: ST, NK, EE, LF. Against: DB, MI, RC. Motion carries. RC hold vote until letter from city engineer is sent. ST disagrees because the next meeting is 6 weeks out and they have a deadline of 3/30/16. RC but they still have our approval so that's fine, ST but still waiting on NHESP letter after that. Gill did say he still has things to submit before and after 3/30/16. Abutters spoke: John Sikorksi 45 Fisher Street. He has no objection to the expansion. It makes good sense, will attract newcomers to the city, would rather it be used for golf than sold for more houses. He has lived there close to 40 years and prior to 2 years ago it wasn't even in a floodplain there. Dan Raposa abutter lives on Davis Street. In favor of this, let's get it moving along. There have been so many improvements over the years and it is looking great out there.

- 110 County Street, U.S. Army Reserve, (ANRAD), SE73-** Field report states this filing is for review and approval of the wetland delineations at 110 County Street, former location of the Elizabeth Pole School. The wetlands were delineated by wetland staff of the US Army Reserve 88th Regional Support Command Environmental Division, led by Marshal Braman, on 5/8/15 and 5/9/15. Seven wetlands were identified and flagged. All seven wetlands, in the opinion of the wetland specialist, are considered federally jurisdictional. In addition, they are ILSFs under state jurisdiction, Wetland 1 is also a BVW, and all are jurisdictional under Taunton's Conservation By-Law. Wetland 1- is located in the northeast segment of the property and delineated using flags 1-16. It is classified as a Palustrine Forested Broad-leaved Desiduous seasonally flooded/saturated wetland. The hydrology most likely is derived from precipitation and stormwater runoff from the Gorden Owen Parkway located along the eastern property line. A functioning 24" catch basin is located in the lowest surface point of the wetland and as such would allow all above grade water to drain from the wetland. Wetland 2 is southwest of Wetland 1 and runs partially along the fenceline near the rear parking lot. It was delineated using flags 1-15. It is classified as a Palustrine Emergent Persistent Seasonally Flooded/Saturated wetland. Hydrology is presumed to be from precipitation, stormwater runoff from adjacent uplands, and groundwater. The wetland scientist did not find a connection to other wetlands or waterbodies, and this wetland is considered an ILSF. Wetland 3 is in the northwest portion of the property just south and west of Wetland 2. This wetland was delineated using flags numbered 1-19. It is classified as a Palustrine Forested Broad-leaved Desiduous seasonally flooded/saturated wetland. There is no apparent connection to other wetlands or waterbodies and the hydrology is likely due to precipitation, groundwater and runoff from adjacent uplands, thus its ILSF designation. Wetland 4 is classified as a Palustrine Forested Broad-leaved Desiduous seasonally flooded/saturated wetland and is located along the southwest portion of the property. Flags numbered 1-24 were used to delineate its border. Hydrology is likely from precipitation, stormwater runoff, and groundwater. It was reported that there appeared to be a culvert that connected to a wetland on the east side of Gorden Owen Parkway. Wetland 5 is in the southerly portion of the property along County Street and was delineated using flags 1-15. It is classified as a Palustrine seasonally flooded/saturated wetland. Hydrology is likely derived from precipitation and stormwater runoff from adjacent uplands. There is no connection to other wetlands, and so it is an ILSF. It was observed that vegetation was drowned, thus creating a mud flat. The soil was saturated with signs of previous ponding. Wetland 6

is to the west of Wetland 5 along the southerly front property line and was delineated using flags 1-9. It is considered an ILSF as there is no connection to other wetlands or waterbodies, and their hydrology is likely from precipitation and stormwater runoff from adjacent uplands. The driveway interrupts hydrology and this area is currently lawn area that receives frequent mowing, thus disturbing vegetation, which was sparse. The majority of the surface area was a mud flat.

This wetland is classified as a Palustrine seasonally flooded/saturated wetland. Wetland 7 is located just north of Wetland 6 along the driveway and historically has been mowed. The area was delineated using flags 1-10. The driveway intercepts hydrology and there is no indication of hydrologic connection with other wetlands or waterbodies and hydrology is primarily through precipitation and stormwater runoff. This wetland is classified as a Palustrine seasonally flooded/saturated wetland. After rain events, MR has noticed standing water in wetlands 5, 6, and 7 for a period of two days to weeks, depending on the amount of rain received. Both Wetland 6 and 7 are extremely small areas (.057 and .054 acres respectively) but seem to meet the state's definition of an ILSF—an area that at least once a year confines standing water to a volume of at least ¼ acre feet and to an average depth of at least six inches. MR is in agreement with the delineation of the above mentioned wetland areas and recommends that the TCC issue an ORAD to be issued once a DEP number has been assigned. Representative Dan Van Voorhis from New Jersey, for U.S. Army. They are looking to construct an army reserve on the property. RC locations flagged and field located? Yes. Motion to issue an ORAD, RC, second DB, so voted.

- **Bartlett Street (92-106), Fasolo, (NOI), SE73-2627** Field report states this project is for the construction of a single family home with deck, driveway, utilities, and associated grading. A wetland delineation approval is also requested. The wetland was delineated by Earth Services Corporation first on 11/8/10, verified and re-flagged on 8/12/12, and again re-flagged by Earth Services in December of 2015. This project was originally filed in August, 2012 but was closed due to the order of conditions expiring. A COC was issued on 11/17/15. MR reviewed the delineation on Tuesday, January 5th. The flags follow the edge of the lawn with common reed and sedges along the edge with cattails closer to the middle of the wetland where deeper water was located. MR is in agreement with the placement of the flags and recommends that the TCC approve the delineation as follows: Flags ESC 4 through ESC 11, with flags ESC 1-3 for reference purposes only. The applicant will be extending the existing driveway along Goodwin Street, which is currently a paper street, in order to reach his property, and will construct a turnaround at the terminus of the extended driveway. This driveway is to remain accessible to all abutters along the paper street per my conversation with City Engineer. The area where the house will be built is currently lawn and is relatively flat, and is six feet higher than the elevation of the wetland. A 40'x26' house will be built with a 10'x12' deck in the rear. The deck and stairs will be 26 feet from the wetland edge while the corner of the house will be 32 feet from the wetland. A siltation barrier is depicted at the 25 foot WPZ, with all grading within this barrier. Roof runoff will be directed to drywells at the four corners of the house. A dewatering area and concrete washout area are depicted on the plan and are outside the 100 foot buffer zone. The plan as proposed should not negatively impact the wetland or adjacent properties, therefore MR recommends that the TCC approve the project and issue an order of conditions to include the attached special conditions. Representative Ronald Fasolo present, lives at 199 Plain Street. RC driveway? Same as it is now, already asphalt there, MR assuming paved. It is paved to end of current garage and rest will be proposed. It will be new paving, driveway not a road. RC would like to see plan says 12 foot wide driveway, bituminous concrete (asphalt). RC all excavated materials from house will go where? It will be trucked away, removed totally from the property. Put that in O of C. Motion to approve with conditions 1, 2, 3, 4, 5, 8, 9, 15, 16, 17, 19, 21, 24, 25, 26, 27, 28-the driveway is to remain open and accessible to all abutters, 29-put bit concrete on plan, 30-all excavated materials be removed from site, RC, second DB, so voted.
- **Pinehurst Street (92-285), Lot 4, Coute/Pinehurst Properties Development, LLC, (NOI), SE73-2628** Field report states that this project is for the construction of a single family home with utilities and associated grading within the 100 foot buffer zone of a BVW. The wetland line was approved under SE73-2620, the earlier filing for the roadway and the swale and energy dissipation settling area associated with it. A siltation barrier is depicted on the plan at least 25 feet from the wetland and is considered the limit of work, thus maintaining the WPZ under the By-law. Roof runoff will be directed to drywells. The house will be at least 31 feet from the wetland while grading will fall within 32 feet of the wetland on this lot. A dewatering area and concrete washout area are shown outside the 100 foot buffer zone. The work as presented will not negatively impact the wetland, therefore MR recommends that the TCC approve this project and issue an order

of conditions to include the attached special conditions. Motion to approve lot 4 with conditions 1, 2, 3, 4, 5, 7, 8, 9, 15, 16, 17, 19, 21, 25, 26, 27, 28-proposed 57 contour falls between paper street and proposed house lot, be corrected as it ties into proposed house on lot 5, RC, second NK, so voted.

- **Pinehurst Street (91-285) Lot 5, Coute/Pinehurst Properties Development, LLC, (NOI), SE73-2629** Field report states that this project is for the construction of a single family home with detached garage, driveway, and utilities with associated grading within the 100 foot buffer zone of a BVW. The wetland line was approved under SE73-2620, the earlier filing for the roadway and the swale and energy dissipation settling area that is constructed on the abutting lot. The swale is constructed on both this lot (#6) as part of the earlier roadway work. A siltation barrier is depicted on the plan at least 25 feet from the wetland and is considered the limit of work. A portion of the grading is shown crossing the barrier and falling within the WPZ just northeast of the rear of the garage. Please correct the plan. Roof runoff will be directed to drywells. The garage will be at least 28 feet from the wetland while grading will fall within 25 feet of the wetland on this lot. A dewatering area and concrete washout area are shown outside the 100 foot buffer zone. The driveway consists of an entrance that runs along the northeasterly side of the proposed house and into the rear of the property where the majority of the back is paved in front of the proposed garage. This leaves very little pervious surface to this lot. The work as presented may impact the wetland and adjacent lots due to the large amount of impervious surface. MR would recommend decreasing the impact of this project. If the commission votes to approve this project and issue an order of conditions, MR recommends that the attached special conditions be included. Motion to continue to February 22, 2016, DB, second RC, so voted.
- **Pinehurst Street (91-285) Lot 6, Coute/Pinehurst Properties Development, LLC, (NOI), SE73-2630** Field report states that this project is for the construction of a single family home with detached garage, driveway, and utilities with associated grading within the 100 foot buffer zone of a BVW. The wetland line was approved under SE73-2620, the earlier filing for the roadway and the swale and energy dissipation settling area that is constructed on this lot. The swale is constructed on this lot and the adjoining lot (#5) as part of the earlier roadway work. A siltation barrier is depicted on the plan at least 41 feet from the wetland and is considered the limit of work. The siltation is still in place. Roof runoff will be directed to drywells. The garage will be at least 43 feet from the wetland while grading will fall 59 feet from the wetland. A dewatering area and concrete washout area are shown outside the 100 buffer zone. The driveway consists of an entrance that runs along the southerly side of the proposed house and to the rear of the house where the majority of the back is paved. This leaves very little pervious surface to this lot. This is the same configuration as lot #5, and between the two of them there is a great deal of impervious area. The work as presented may impact the wetland and adjacent lots due to the large amount of impervious surface. MR would recommend decreasing the impact of this project. If the commission votes to approve this project and issue an order of conditions, MR recommends that the attached special conditions be included. Motion to continue to February 22, 2016, DB, second RC, so voted.

Other Business

- **Continued Discussion Boyden Refuge (if proposed as a dog park site)**
- **MACC fee. Motion to approve payment, DB, second RC, so voted.**
- **Motion that applicants have plans to be put up on the easel for everyone to see, DB, second RC, so voted.**
- **COC's.**

Motion to adjourn, DB, second MI, so voted. Meeting ended at 8:15pm